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July 10, 2007  
**MEMO ENDORSED**

*USA*  
*Charles Brieant*  
**Via Facsimile (914) 390-4085**

The Honorable Charles L. Brieant  
United States District Court Judge  
United States District Court  
Southern District of New York  
300 Quarropas Street, Room 275  
White Plains, New York 10601

Re: The Guardian News v. Town of Ossining, New York,  
07 CV 5718 (CLB) (GAY)

Dear Judge Brieant:

This firm was recently retained to represent the Town of Ossining in the above-referenced action. I write to respectfully request an extension of thirty days, until August 9, 2007, to appear, answer, move, or otherwise respond to the complaint. Plaintiff's counsel, Jonathan Lovett, Esq. of Lovett & Gould, LLP consents to this request. This is defendant's first request for an extension to the Court and this request is with good cause.

By way of background, Plaintiff The Guardian News is alleging, *inter alia*, that its First Amendment rights were violated because Sections 197-22 and 197.21 (b)(1),(2), (3) and (c)(2) of the Code of the Town of Ossining are unconstitutionally vague and constitute a prior restraint of speech. (*See generally* Compl.). Plaintiff is also seeking: (1) an order declaring that these sections violate plaintiff's First Amendment rights; (2) an order requiring the Village to enact a code provision concerning the placement of news racks on public property which is consistent with the First Amendment; (3) a permanent injunction preventing defendant from enforcing the aforementioned sections as against plaintiff; (4) compensatory damages; and (5) attorney's fees. (*See generally* Compl.)

Upon information and belief, the Town of Ossining was served on June 20, 2007 and its answer was due today. We apologize for this late request. This firm was just recently assigned to this case and an extension of time would give this firm and defendant time to investigate the allegations of the complaint and adequately respond to the complaint in accordance with the Federal Rules of Civil Procedure.

**The Guardian News v. Town of Ossining, New York,**  
**07 CV 5718 (CLB) (GAY)**

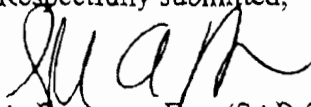
**Page 2**

An initial conference in this action and the various related actions has been scheduled for September 14, 2007. As such, there would be no need to adjourn the initial conference and this enlargement of time would not prejudice the parties or burden the Court. Further, there is sufficient time to meet and confer with counsel pursuant to Fed. R Civ. P. 26(f) and to discuss a comprehensive discovery plan.

For all of the aforementioned reasons, Defendant respectfully requests that the Court allow defendant Town of Ossining until August 9, 2007 to answer or otherwise respond to the complaint.

Thank you for your consideration of this request.

Respectfully submitted,



Sheryl A. Bruzzese, Esq. (SAB 5680)

cc:

**VIA FAX**

**Lovett & Gould**

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Attention: Jonathan Lovett